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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,759	11/13/2003	Martin C. Baker	H0005486	3576

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HONEYWELL INTERNATIONAL INC.  
101 COLUMBIA ROAD  
P O BOX 2245  
MORRISTOWN, NJ 07962-2245

EXAMINER

EVANS, GEOFFREY S

ART UNIT	PAPER NUMBER
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1725

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/713,759

Applicant(s)

BAKER ET AL

Examiner

Geoffrey S. Evans

Art Unit

1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18,21,22 and 24 is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6,8-17,19 and 20 is/are rejected.
- 7) ☒ Claim(s) 3,4 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 20050425.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. The disclosure is objected to because of the following informalities: The status of 10/460,008, now U.S. Patent No. 6,774,338 has not been updated.

Appropriate correction is required.

2. Applicant's arguments regarding the double patenting rejections in the previous office action are persuasive.
3. Claims 8-17, 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 8 on line 15 the phrase "the a main body" is confusing. Claim 19 contradicts claim 18 because it recites that the filler media source is manually controlled while independent claim 18 currently recites an "automated filler media source". Similarly claim 20 is also confusing since it recites "the filler media source is manually manipulated...." while independent claim 18 now recites an "automated filler media source". Please clarify.
4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1,2,5,6,8,9,12,15,16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yasuda in Japan Patent No. 9-103,896 in view of Jones et al. in U.S. Patent No. 4,564,736 and Hu in U.S. Patent Application Publication No. 2005/0056628

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A1. Yasuda discloses a laser fusion welding assembly that supplies a filler wire (element 33; see figure 10 and paragraph 31) through the laser welding assembly and using an optical fiber to transmit the laser beam. Jones et al. teaches using a hand held fusion assembly including a main body (element 20) and a nozzle (element 22). Hu teaches using a plurality of filler media flow passages (elements 134) that each have an inlets and an outlet and are spaced around the aperture, and associated filler media liner tubes (132). It would have been obvious to adapt Yasuda in view of Jones et al. to provide a hand held shape to make the apparatus easily adjustable by manual movement and to provide a plurality of filler media flow passages to more evenly feed filler material into the fusion zone. Regarding claim 12, Yasuda discloses a wire feeder (see paragraph 31). Regarding claims 5,6,15 and 16, Jones et al. teaches a lens conduit (element 21 in figure 3) and a first collimating lens (element 24) and a second lens (element 26) to focus the laser beam. It would have been obvious to adapt Yasuda in view of Jones et al. and Hu to provide this to focus the laser beam.

6. Claims 3,4, and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 10,11,13,14, and 17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

8. Claims 18,21,22 and 24 are allowed.

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9. Claims 19 and 20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

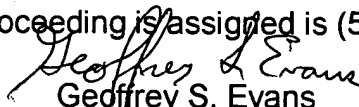
10. Applicant's arguments filed 22 July 2005 have been fully considered but they are not persuasive. Hu in U.S. Patent Application Publication No. 2005/0056628

A1 discloses using a plurality of filler media flow passages (elements 134) that each have an inlet and an outlet and are spaced around the aperture, and associated filler media liner tubes (132).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey S Evans whose telephone number is (571)-272-1174. The examiner can normally be reached on Mon-Fri 6:30AM to 4:00 PM, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (571)-272-1171. The new fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

GSE

  
Geoffrey S. Evans  
Primary Examiner  
Art Unit 1725